UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,409	10/24/2003	Jeffrey P. Snover	MS1-1739US	1913

22801 7590 03/04/2009

LEE & HAYES, PLLC
601 W. RIVERSIDE AVENUE
SUITE 1400
SPOKANE, WA 99201

EXAMINER	
WANG, JUE S	

ART UNIT	PAPER NUMBER
2193	

MAIL DATE	DELIVERY MODE
03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/693,409	SNOVER ET AL.	
	Examiner	Art Unit	
	JUE S. WANG	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 7-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 7-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/19/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1 and 7-16 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following lacks antecedent basis in the claims:

i. Claims 10-15, "The computer-readable medium" in lines 1 because parent claim 19 has been amended to recite "computer-readable storage medium".

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 8-10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolczko "Using a Tracing Java Virtual Machine to Gather Data on Behavior of Java Programs", in view of Howard (US 2005/0022172 A1).

6. As per claim 1, Wolczko teaches the invention as claimed, including in a command line operating environment, a computer-executable method comprising:

executing each command on a command line in a first execution mode or in an alternate execution mode, wherein executing the command in the alternate execution mode occurs when the command on the command line includes an instruction, the instruction comprises a call to a method provided by the command line operating environment to execute in the alternate execution mode (see page 1, paragraphs 1, 2, page 2, paragraphs 1, 3, 4, page 3, paragraph 5; EN: the Tracing JVM is considered as a command line operating environment, the alternate execution mode is the tracing mode for recording and analyzing the behavior a Java application which is considered as a command, the -Xtrace command-line option calls the function initTracing which is provided by the Tracing JVM to execute in tracing mode), the alternate execution mode being provided by the command line operating environment such that the command line operating environment provides extended functionality to execute the command and the command being executed on the command line does not incorporate code for extending functionality to execute the command in the alternate execution mode (see page 1, paragraphs 1, 2, page 2, paragraphs 1, 3, 4; EN: the Tracing JVM provides the tracing functionality and the program being traced does not have code for performing the tracing);

wherein the instruction to execute in the alternate execution mode also comprises a switch, and wherein executing the command in the alternate execution mode further occurs when the command line includes the switch indicating the alternate execution mode (see page 2, paragraphs 3, 4, page 3, paragraph 5; EN: -Xtrace command-line option is the switch), and wherein the alternate execution mode visually displays results of executing the command (i.e., the trace output, see page 3, paragraphs 2 and 3) .

Wolczko does not explicitly teach simulating the results of executing the command.

Howard teaches simulating the results of executing a command (i.e., a sandbox environment where executable statements are simulated, see [0087]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to simulate the results of executing the command because it is well known that Java Virtual Machines implement the sandbox technology and sandboxing is desirable for preventing programs from performing destructive actions (see [0087] of Howard).

7. As per claim 8, Wolczko teaches wherein the instruction comprises a call to a method provided by the command line operating environment (see page 2, paragraphs 3, 4, page 3, paragraph 5; EN: the -Xtrace command-line option calls the function initTracing which is provided by the Tracing JVM to execute in tracing mode).

8. As per claims 9 and 16, the limitations recited in these claims are substantially similar to those recited in claim 1. Therefore, they are rejected using the same reasons as claim 1.

9. As per claim 10, Wolczko teaches wherein the parameter comprises a switch (see page 2, paragraphs 3, 4, page 3, paragraph 5; EN: -Xtrace command-line option is the switch).

10. AS per claim 12, Wolczko teaches where in the task comprises a stand-alone executable command (see page 1, paragraphs 1, 2, page 2, paragraph 1; EN: a Java program is a stand-alone executable command).

11. Claims 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolczko "Using a Tracing Java Virtual Machine to Gather Data on Behavior of Java Programs", in view of Howard (US 2005/0022172 A1), as applied to claim 1 and 10 above, further in view of Goodridge et al. (US 5,848,393, hereinafter as Goodridge).

12. As per claim 7, Wolczko and Howard do not teach wherein the switch comprises "whatif".

Goodridge teaches using the label "what if" for a simulation function (see Fig 3, item 302, column 2, lines 55-57, column 7, lines 15-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Wolczko and Howard such that the switch comprises "what if" as taught by Goodridge because the name of the switch is merely a label which is a design choice.

13. As per claim 11, the limitations recited in this claim are substantially similar to those recited in claim 7. Therefore, it is rejected using the same reason as claim 7.

14. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolczko "Using a Tracing Java Virtual Machine to Gather Data on Behavior of Java Programs", in view of Howard (US 2005/0022172 A1), as applied to claim 1 and 9 above, further in view of Inoue et al. (US 5,303,357, hereinafter Inoue).

15. As per claim 13, Wolczko and Howard do not explicitly teach the task comprises a pipeline of executable commands, each executable command operating in a separate process.

Inoue teaches that a program comprises a pipeline of executable commands, each executable commands operating in a separate process (see column 1, lines 58-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to pipeline the execution of commands, each executable commands operating in a separate process as taught by Wolczko to improve the execution speed via simultaneous execution (see column 1, lines 58-64 of Inoue).

16. As per claim 14, Wolczko and Howard do not explicitly teach the task comprises a pipeline of executable commands, each executable command operating in the same process.

Inoue teaches that a program comprises a pipeline of executable commands, each executable commands operating in the same process (see column 1, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to pipeline the execution of commands, each executable commands operating in the same process as taught by Wolczko to shorten the processing time of the entire instruction sequence by shorting the cycle time (see column 1, lines 14-24 of Inoue).

17. As per claim 15, Wolczko teaches wherein each executable command comprises an instantiated class (see page 1, paragraphs 1, 2, page 2, paragraph 1).

Response to Arguments

18. Rejection of claims under §103(a):

19. As per independent claims 1, 9, and 16, and 17, Applicants arguments have been fully considered but are moot in light of the new grounds of rejection.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Golshani et al. (US 5,671,418) is cited to teach an operating system translator incorporating a verbose mode of operation.
- Kumar (US 5,754,861) is cited to teach tracing command-line programs using a wrapper program.
- Doyle (US 6,857,124 B1) is cited tot each a method for hypermedia browser API simulation plug-ins and applets as embedded widgets in script-language-based interactive programs.
- Lin (US 2004/0177350 A1) is cited to teach a windows F-Language Interpreter.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jue S. Wang whose telephone number is (571) 270-1655. The examiner can normally be reached on M-Th 7:30 am - 5:00pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193

Jue Wang
Examiner
Art Unit 2193